

**BEFORE THE  
PHYSICAL THERAPY BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition for  
Termination of Probation by:

VIDA R. ISIP,

License No. PT 16044,

Petitioner.

Case No. 1D 2003 63339

OAH No. L2003050177

**DECISION**

The Physical Therapy Board of California heard this matter on May 19, 2003, in Orange, California. The Board members participating in the hearing and decision were Ellen Wilson, P.T.-President, Jay H. Segal, P.T.-Vice President, Louis Garcia, Jerry Kaufman, P.T., Donald Chu, Ph.D., P.T., and James Turner. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Petitioner appeared and represented herself.

Jennevee H. de Guzman, Deputy Attorney General, represented the Office of the Attorney General, California Department of Justice.

Jurisdictional documents were presented. Testimony was taken and oral argument was given. The matter was submitted, following which the Board met in an executive session, and the matter was decided on May 19, 2003.

The below order, GRANTING the petition and TERMINATING Petitioner's probation, is based on the following Factual Findings and Legal Conclusions:

**FACTUAL FINDINGS**

1. On September 5, 1989, the Physical Therapy Examining Committee, now known as the Physical Therapy Board of California ("Board"), issued Vida R. Isip ("Petitioner") Physical Therapist License No. PT 16044.

2. On October 22, 1998, Steven K. Hartzell, Executive Officer of the Board, filed an Accusation before the Board in Case No. 1D-96-58192 ("Accusation matter"). The Accusation arose from Petitioner not properly supervising a physical therapy aide and not maintaining adequate and accurate patient records.

3. On November 16, 1999, the Board adopted, by Decision, a Stipulated Settlement and Disciplinary Order between the parties in the Accusation matter, in which Petitioner admitted the truth of that part of the Accusation specified in Factual Finding 2.

Effective December 16, 1999, Petitioner's license was revoked, but the revocation was stayed and she was placed on probation for five (5) years under various terms and conditions, including: suspension from practice for fourteen (14) days; perform at least fifty (50) hours per year of free community service; take and pass the Board's written exam on the laws and regulations governing the Board; practice restriction; and pay costs to the Board in the amount of \$ 5,000.00, within two (2) years, payable in quarterly payments of \$ 625.00.

4. The instant petition, filed with the Board on October 11, 2002 (after approximately 3 years and 2 months on probation, with another 1 year and ten months remaining), requests early termination of Petitioner's probation. Written evidence was received, consisting of Petitioner's narrative statement, verified recommendations from two (2) physical therapists holding California licenses, copies of the Board's prior disciplinary Order, and other documents attesting to her character and progress since discipline.

5. Petitioner has completed all terms of her probation, except she has not yet fully reimbursed the Board for all of its costs from the Accusation matter. The amount remaining was not established, though the fact the previously Board reconfigured her payment plan to give her more time to pay the remainder was established.

6. Petitioner has favorably progressed since being disciplined. She has continued practicing in her field, under supervision, without incident. She has engaged in continuing education in this field. Petitioner has performed as a physical therapist for over twenty (20) years, in this state and several others where she is licensed. No evidence of misconduct or disciplinary action, other than the instant Accusation matter, was adduced.

7. Petitioner expressed sincere remorse for her past behavior, and vowed she will not repeat it, or the like.

8. Petitioner's probation monitor testified continued probation for Petitioner would serve no further purpose. Although the Office of the Attorney General opposed early termination of probation, it conceded that practice restrictions could be removed to allow Petitioner to continue progressing at her current job.

### LEGAL CONCLUSIONS

1. The burden in a petition for reduction of an administrative penalty rests, at all times, with the petitioner. *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.

2. Cause exists for early termination of Petitioner's probation.

Government Code section 11522 provides that a person whose license has been disciplined may petition the governing agency for a reduction of penalty, and governs such petitions unless another, more specific, statute contains different provisions.

B&P Code section 2661.7 specifically applies to the Board, and provides that a petition may be brought for early termination of probation, after a period of not less than two (2) years from the effective date of a probation of three (3) years or more (subdivision a). The petition must state any facts required by the Board and be accompanied by at least two verified recommendations from physical therapists licensed by the Board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed (subdivision b). The Board, or the administrative law judge, hearing the petition, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, petitioner's rehabilitative efforts, general reputation for truth, and professional ability (subdivision d).

In this case, Petitioner has established that, with due consideration for the public safety, it would not be against the public interest for an early termination of her probation. The petition contained all jurisdictional contents. Petitioner has complied with all terms of her probation, except paying the remainder of costs to the Board. She has continued to progress at work without incident. She is remorseful and displays a positive attitude about her situation. No further purpose is served by continuing her probation. Factual Findings 1-8.

### ORDER

The petition is GRANTED. The probation of Petitioner Vida R. Isip is hereby TERMINATED.

IT IS SO ORDERED. This Decision shall be effective August 4, 2003.

Dated: July 3, 2003

Original Signed By Ellen Wilson  
ELLEN WILSON, P.T., President,  
Physical Therapy Board of California